

Message

From: Hassell, Emily [hassell.emily@epa.gov]
Sent: 4/12/2018 8:57:28 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: News Clips - 12 April 2018

****Hi all – please note that I will be out of the office on Friday 4/13 and Monday 4/16, so this email will come from Ariel Keklak (keklak.ariel@epa.gov) on those days.**

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

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[Washington Post - Former Pruitt aide alleges litany of wasteful spending, extravagant travel by EPA chief](#)

[The Hill - Dems: Former Pruitt aide alleges more wasteful spending, retaliation at EPA](#)

[Washington Times - Pruitt knew about raises for top aides, tried to rent \\$100K-per-month private jet: EPA whistleblower](#)

[Bloomberg - Fired EPA Employee Details 'Wasteful' Pruitt Spending](#)

[AP - Ex-Trump aide on leave after questioning Pruitt's spending](#)

[Politico - Former EPA staffer: Refusal to OK first-class flight for Pruitt aide prompted firing](#)

[New York Times - Lawmakers' Letter Claims Further Spending Abuses by the E.P.A. Head, Scott Pruitt](#)

EPA Challenge Coin

[Washington Examiner - The stupid Scott Pruitt scandal over 'challenge coins' the EPA didn't buy \(*Op-Ed\)](#)

[Daily Caller - NYT Goes After Pruitt For 'Challenge Coins' He Didn't Buy. Obama Officials Bought Them, Though](#)

[New York Times - Scott Pruitt's Idea to Update an E.P.A. Keepsake: Less E.P.A., More Pruitt](#)

Administrator Pruitt's Emails

[Washington Post - Scott Pruitt has four different EPA email addresses. Lawmakers want to know why.](#)

[The Hill - Dems call for probe into EPA chief's use of multiple email addresses](#)

[Politico - EPA: All Pruitt email accounts searched in response to FOIAs](#)

Administrator Pruitt Coverage

[Bloomberg - Here's Why Friends and Foes of EPA Chief Pruitt Are So Adamant](#)

[Bloomberg - EPA Workers Join the Effort to Oust Pruitt](#)

[The Hill - EPA chief Pruitt has 29 percent approval rating: poll](#)

[Politico - Perry won't weigh in on Pruitt's Morocco trip](#)

[The Hill - Gowdy: EPA hasn't complied with records request for Pruitt's travel](#)

[Washington Post - GOP oversight chairman demands more records on Pruitt's travel, housing](#)

[Washington Examiner - Trey Gowdy: EPA has failed to produce all documents on Scott Pruitt travel](#)

[Reuters - House oversight panel asks EPA for travel, condo documents](#)

General

[Daily Caller - SCOOP: The White House Just Got Pruitt's Plan To Repeal WOTUS. Here Are The Details](#)

[Politico - EPA to clarify its WOTUS repeal](#)

[E&E News PM - Pruitt addresses friendly crowd at Heritage](#)

[Washington Examiner - Trump to direct EPA to speed up regulation repeal to spur economic growth](#)

BNA - EPA Improving Chemical Assessments, Science Reviewers Say

AP - Mine company says EPA is worsening Colorado water pollution

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Politico

<https://www.politicopro.com/agriculture/whiteboard/2018/04/trump-expresses-support-for-expanded-sales-of-e15-1014650>

Trump pledges to expand ethanol sales

By Eric Wolff, 4/12/18, 12:37 PM

President Donald Trump said today the administration would allow year-round sales of 15 percent ethanol blends in gasoline, handing the ethanol industry a big victory.

"We're going to raise it up to 15 percent and raise it to a 12-month period," Trump told reporters said in response to questions about the biofuel today, adding that "makes a lot of farmers very happy."

Trump's statement endorses a policy change long-sought by ethanol producers and their farm-state allies in Congress to win year-round sales of higher blends of ethanol in all states. The Clean Air Act restricts when the ethanol blends above 10 percent can be sold to exclude the summer months in order to reduce air pollution.

EPA has already begun the groundwork that could lead to a proposed rule for a waiver for the higher ethanol blends. USDA has been pushing for such a waiver in light of news that EPA has been granting exemptions from the Renewable Fuel Standard for at least 25 small refineries, at least twice as many as in previous years.

Granting such a waiver will be vigorously opposed by oil companies, who are expected to challenge change in court.

Reuters

<https://www.reuters.com/article/us-usa-biofuels/trump-administration-weighs-high-ethanol-fuel-waiver-to-placate-farmers-idUSKBN1H3EU>

Trump administration weighs high-ethanol fuel waiver to placate farmers

By Jarrett Renshaw and Chris Prentice, 4/11/18, 7:20 PM

NEW YORK (Reuters) - The Trump administration is considering allowing the sale of a higher ethanol fuel blend in the summer, a source familiar with the issue said, a move that would placate corn growers worried about the future of U.S. biofuels policy.

President Donald Trump recently met with the heads of the Environmental Protection Agency and the U.S. Department of Agriculture to discuss ways to make the Renewable Fuel Standard less expensive to the oil industry without undercutting demand for ethanol.

The RFS requires refiners to add increasing volumes of biofuels like corn-based ethanol into the nation's fuel supply each year which is a boon to farmers but a headache for refining companies that must either blend the fuels themselves or purchase credits from those who do.

Trump has tried in vain over the past several months to broker a deal between “Big Oil” and “Big Corn” over the issue, and has faced mounting pressure from lawmakers in the Midwest who are concerned that he will weaken domestic demand for ethanol at a time farmers are already facing a potential trade war with China that could hurt export demand for corn and soybeans.

Sources had told Reuters this week that Trump was temporarily suspending his consideration of a refining industry-backed proposal to cap prices for blending credits, an idea that the biofuels industry has opposed as damaging to farmers.

But in the meantime, the administration is considering moving forward with plans to allow for the ethanol industry’s long sought waiver to sell gasoline containing 15 percent ethanol in the summer, instead of the usual 10 percent blend, the source familiar with the issue told Reuters on Wednesday.

The higher ethanol blend, called E15, is currently banned by the Environmental Protection Agency due to concerns it contributes to smog on hot days, a worry that biofuels advocates say is baseless. If done soon, the waiver could be in effect in time for the 2018 summer driving season.

EPA spokeswoman Liz Bowman did not immediately respond to a request for comment. White House spokeswoman Kelly Love did not comment on the E15 waiver but said that during Trump’s meeting Monday he “instructed his Cabinet to continue to explore options that protect American farmers and America’s refinery workers.”

Biofuels proponents have heaped pressure on the White House after reports that the EPA was granting dozens of small refineries exemptions from the RFS to help them avoid the costs of compliance, something the ethanol industry says will weaken demand for their product.

On Monday, Trump acknowledged farmers may bear the brunt of the economic harm if China retaliates against Washington’s threat of tariffs, noting that “we’ll make it up to them”. Many U.S. farmers are battling debt after years of excess global supplies and depressed prices.

“We need some good news out here,” said Monte Shaw, the Executive Director of the Iowa Renewable Fuels Association.

“The best news (Trump) could give us right now is year-round sales of E15,” he said.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/04/sources-epa-staff-laying-groundwork-for-possible-e15-waiver-1007309>

Sources: EPA staff laying groundwork for possible E15 waiver

By Eric Wolff, 4/11/18, 4:53 PM

EPA has begun to lay the groundwork for a possible rule allowing expanded sales of higher blends of ethanol in gasoline, according sources familiar with discussions within the administration.

The move shows ethanol producers and their allies in Congress are close to winning administrative approval for granting year-round sales of 15 percent ethanol in all states. Producers see the waiver as key to growing the ethanol industry.

USDA has been pushing EPA to advance the E15 waiver since news emerged that the agency had exempted at least 25 small refiners from the Renewable Fuel Standard requirements, cutting into demand for ethanol. The National Corn Growers Association says ethanol accounts for about 30 percent of U.S. corn demand.

However, accounts from sources differ as to whether the work at EPA was background designed to help inform senior administration officials decisions on the waiver, or if staff had been ordered to write a proposal.

EPA Administrator Scott Pruitt has said that he supports granting a waiver for the sales, but that he is awaiting a legal analysis of whether it would be legal under the Clean Air Act. Sources said that analysis was completed last year, but they did not know the results.

Any waiver would be the target of fierce opposition from the oil industry, which likely would challenge any rule allowing expanded sales in court.

The move also comes after a Monday meeting between President Donald Trump, USDA Secretary Sonny Perdue, and Pruitt that was widely thought to be inconclusive.

Neither EPA nor USDA responded to requests for comment.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/04/epa-is-misusing-hardship-waivers-for-refiners-perdue-agrees-1006032>

EPA is misusing 'hardship' waivers for refiners, Perdue agrees

By Catherine Boudreau, 4/11/18, 3:28 PM

Agriculture Secretary Sonny Perdue told Sen. Roy Blunt (R-Mo.) today he agrees with Midwestern lawmakers' assessment that EPA is misusing economic "hardship" waivers to exempt large oil refineries from meeting biofuel blending requirements under the Renewable Fuel Standard.

This month, EPA exempted Andeavor — one of the country's biggest oil refining companies — from complying with the RFS. The waivers have historically been approved for smaller operators.

Blunt and four other senators sent a letter this week to President Donald Trump asking him to direct EPA Administrator Scott Pruitt to cease all RFS waivers until the agency can proceed in a more "transparent and impartial manner."

"I concur with your opinion," Perdue said during a Senate Appropriations agriculture subcommittee hearing on USDA's fiscal year 2019 budget request. "As you know, we have a statutory volume of 15 billion gallons, and those waivers reduce that gallon for gallon."

Perdue said he has asked EPA for more information about the waivers its granted, and Pruitt has promised to gather it as soon as possible. Perdue and Pruitt have been involved in trying to resolve a long-running dispute between the ethanol industry and some oil interests over the price of biofuel credits,

"That is demand destruction," Perdue added.

The senators in their letter said that waivers approved in 2016 reduced the 15 billion gallon requirement for RFS to 13.8 billion gallons.

AP

<https://apnews.com/0d23212009d04ba098ec6e676e3c890c/The-Latest:-Trump-pick-for-No.-2-job-at-EPA-clears-hurdle>

The Latest: Trump pick for No. 2 job at EPA clears hurdle

4/12/18

WASHINGTON (AP) — The Latest on Andrew Wheeler, President Donald Trump's nominee for the No. 2 post at the Environmental Protection Agency (all times local):

10:50 a.m.

Republicans have cleared a procedural hurdle to confirm a former coal industry lobbyist as the No. 2 official at the Environmental Protection Agency.

If confirmed as deputy administrator, Andrew Wheeler would be next in line to lead if embattled administrator Scott Pruitt is forced out or resigns.

The Senate voted 53-45 Thursday to limit debate on Wheeler's nomination, clearing a final vote as soon as Thursday afternoon. Three Democrats joined with Republicans to move the nomination forward. They are Heidi Heitkamp of North Dakota, Joe Donnelly of Indiana and Joe Manchin of West Virginia.

Democratic Sen. Tom Udall of New Mexico called for the vote to be delayed while lawmakers review Wheeler's credentials to run the agency, citing Pruitt's uncertain status amid damaging ethics disclosures.

12:11 a.m.

Senate Republicans are moving to confirm a former coal industry lobbyist as the second-highest official at the Environmental Protection Agency, putting him next in line if embattled administrator Scott Pruitt were forced out.

A Senate vote could come as soon as Thursday on the nomination of Andrew Wheeler to serve as the EPA's deputy administrator.

The push comes as Democrats and a few Republicans are calling on President Donald Trump to replace Pruitt, whose tenure has been threatened by a series of damaging ethics disclosures. If confirmed, Wheeler would be poised to become the agency's active chief, at least temporarily, if Pruitt were to leave.

Democratic Sen. Tom Udall of New Mexico called on Republicans to delay a vote on Wheeler while lawmakers review his credentials to run the agency, citing Pruitt's uncertain status.

The Hill

<http://thehill.com/policy/energy-environment/382829-senate-moves-toward-confirming-deputy-epa-head>

Senate moves toward confirming deputy EPA head

By Timothy Cama, 4/12/18, 10:32 AM

The Senate passed a procedural action Thursday that moves lawmakers toward confirming President Trump's pick to be deputy head of the Environmental Protection Agency (EPA).

The cloture vote for Andrew Wheeler, a former coal lobbyist, passed 53 to 45. All Republicans present voted for Wheeler, as did three Democrats: Sens. Joe Donnelly (Ind.), Heidi Heitkamp (N.D.) and Joe Manchin (W.Va.). Each of those Democrats is running for reelection this year in a heavily Republican state.

Usually, the Senate would vote on final confirmation for an administration nominee within hours of the cloture vote. But if Democrats wanted to, they could force the Senate to debate Wheeler's nomination for up to 30 hours, pushing the vote to Friday at the earliest.

Senate Democrats have said in recent days that they want to delay the Wheeler vote as long as possible, arguing that he has not been thoroughly vetted.

If EPA chief Scott Pruitt were to resign or be fired, the deputy administrator would take his spot immediately. Pruitt has been under fire in recent weeks over a series of spending and ethics controversies, though President Trump has repeatedly expressed his support for the embattled EPA head.

"The circumstances regarding Mr. Wheeler have changed since we had our nomination hearing and vote with the cloud over Administrator Pruitt," Sen. Ben Cardin (D-Md.), a senior member of the Environment and Public Works Committee, said Wednesday. "I think it would be best advised to hold off on this vote to see if we are voting on the acting administrator or the deputy administrator."

Sen. Tom Carper (Del.), the top Democrat on the Environment Committee, said he "wouldn't expect" that the minority would demand the full 30 hours of debate, "but we'll see."

Cardin said before the procedural vote that Democrats have few options available to push off Wheeler's vote.

"The floor action is moving," he said. "We have very few options that are remaining if the majority doesn't recognize that this is a different circumstance."

Republicans said they expect Wheeler to be confirmed, and they won't leave for the weekend until Wheeler and two judges are confirmed. The Senate usually leaves for the weekend on Thursday afternoon.

"I'm assuming he's going to get the votes," said Sen. Jim Inhofe (R-Okla.).

"If they want to talk until midnight tonight, they can talk until midnight tonight. We're going to be here until we're done," said Sen. Mike Rounds (R-S.D.).

Wheeler is currently co-head of the energy practice at Faegre Baker Daniels, a law and consulting firm. He was previously registered as a lobbyist for energy companies including coal-mining giant Murray Energy Corp., but undid his registration last year before Trump tapped him for the EPA job.

Wheeler worked in the past for Inhofe when he was chairman of the Environment and Public Works Committee, and worked at the EPA prior to that.

The deputy administrator at the EPA acts as its chief operating officer and oversees employees, among other responsibilities. The agency has been without a politically nominated deputy administration since Trump took office, and its acting deputy administrator, a career official, retired earlier this month.

The Hill

<http://thehill.com/policy/energy-environment/382762-dems-want-to-delay-confirmation-of-trump-pick-at-epa>

Dems want to delay confirmation of Trump pick at EPA

By Miranda Green and Timothy Cama, 4/11/18, 6:27 PM

Senate Democrats want to delay the confirmation of Andrew Wheeler to the No. 2 spot at the Environmental Protection Agency (EPA), arguing he should get more scrutiny because of the possibility that he could end up replacing Administrator Scott Pruitt.

Democratic members on the Senate Environment and Public Works Committee said they fear that they would be effectively confirming Wheeler as the EPA's chief if President Trump decides to fire Pruitt.

"The circumstances regarding Mr. Wheeler have changed since we had our nomination hearing and vote with the cloud over Administrator Pruitt," said Sen. Ben Cardin (D-Md.) on Wednesday. "I think it would be best advised to hold off on this vote to see if we are voting on the acting administrator or the deputy administrator."

Pruitt has been at the center of controversy for weeks over his housing in Washington, raises to certain staffers and his travel and security detail. White House chief of staff John Kelly has reportedly pushed for his ouster.

Trump, however, has offered repeated public support for Pruitt, leading many in Washington to think his position at the EPA has stabilized in recent days. Pruitt has also won support from a number of GOP lawmakers as well as conservative voices outside Congress.

Environmental and Public Works Committee Chairman John Barrasso (R-Wyo.) vowed to go forward with the panel vote to confirm Wheeler this week.

"We'll be voting on his confirmation this week. I expect to speak about him on the floor. I expect to support his work. I worked with him when I was new in the Senate. And I fully support the vote to confirm him to the position for which he has been nominated," he said. Wheeler's confirmation vote in front of the full Senate is expected this week. He would need just 50 votes to be confirmed, though that could force Vice President Pence to break a tie.

Wheeler is a lawyer and former lobbyist who specialized in energy and environmental policy. He is also a former staffer to Sen. James Inhofe (R-Okla.), the former chairman of the Environmental and Public Works Committee.

As such, he'd be seen as a capable administrator for EPA chief if necessary.

Sen. Tom Udall (N.M.), the top Democrat on the Appropriations Committee panel that oversees the EPA's budget, said Wheeler hasn't been subject to the public or congressional scrutiny that a nominee to lead the EPA would usually be subjected to.

"Wheeler would move in and become the deputy administrator of the EPA, the No. 2 job. He's never been vetted to be the top job. And so, we've got a real problem there," said Udall, who speculated that Pruitt could be out in days.

"We hear from the White House that there are very split opinions on him. There are some people at the very top in the White House that want him to go right now," Udall said.

Politico

<https://www.politicopro.com/energy/article/2018/04/path-clear-for-epa-deputy-despite-ongoing-pruitt-woes-475554>

Path clear for EPA deputy despite ongoing Pruitt woes

By Anthony Adragna, 4/12/18, 5:02 AM

Despite a swirl of ethics scandals around EPA, the Senate is poised to confirm a fossil fuel lobbyist as its possible administrator-in-waiting.

A handful of moderate Democrats are ready to support former Senate aide Andrew Wheeler's confirmation as EPA deputy administrator, likely ensuring him confirmation as soon as Thursday afternoon. Wheeler is expected to clear his last substantive hurdle in a 9:30 a.m. procedural vote, but the timing of his final vote will depend on how much post-cloture debate time Democrats want to use.

Wheeler's time in public service helped him earn respect among members of both parties, a factor senators and aides say helped clear the way for his expected confirmation. While he has spent the last nine years as a lobbyist representing clients including coal miner Murray Energy Corp., Wheeler spent much of his career working for the Environment and Public Works Committee under Sen. Jim Inhofe (R-Okla.) and former Sen. George Voinovich.

"He is a known quantity, built strong relationships during his long tenure as Senate staff, has actually shepherded bipartisan legislation to enactment, and I think he actually believes in the rule of law and values the role of the agency in our democracy," said Chris Miller, former Senate Majority Leader Harry Reid's top energy aide. "Senators have respect for people with that experience, even if they might disagree significantly with the policy positions held by his bosses."

Still, even as Wheeler's selection has attracted less attention to date than other EPA selections, Democrats and environmentalists have stepped up their opposition as questions have grown over Administrator Scott Pruitt's expensive taxpayer-funded travel and links with the industries he regulates.

"I think he has skated under the radar, but now is the moment of truth," Tom Udall (D-N.M.) told POLITICO earlier this week. "With a resignation of Pruitt, he would become the actual administrator. He hasn't been through that kind of vetting, so I do have real concerns."

Wheeler's chances have gotten a major boost in recent days as two moderate Senate Democrats — Heidi Heitkamp of North Dakota and Joe Manchin of West Virginia — announced their support, and the lone Republican to oppose Trump EPA picks, Susan Collins of Maine, also said she planned to support him.

"I've looked at everything, and basically Wheeler is qualified to do the job," Manchin said in a brief interview.

Wheeler began his career as an EPA staffer before heading to the Senate, where he spent more than a decade at the Environment and Public Works Committee. He worked there on several major pieces of legislation, including the 2005 and 2007 energy bills, before heading in 2009 to the law firm Faegre Baker Daniels, where he co-leads the firm's energy and natural resources practice.

His clients there include Murray Energy, a fierce critic of Obama-era climate and air emissions regulations. Past clients range from Xcel Energy and Bear Head LNG to a cooking oil-recycling company, an auto auction company and a medical isotope coalition.

The prospect of Wheeler running the agency indefinitely amid Pruitt's ongoing woes led green groups to launch a last-minute bid last week to block his selection. But the groups concede it's been difficult to raise the profile of the fight, especially with new negative headlines on Pruitt daily, even as they're not ready to give up.

"We're fighting this to the finish line," Lukas Ross, a climate and energy campaigner with Friends of the Earth, said in an interview. "The only thing worse than Andrew Wheeler as deputy administrator is Andrew Wheeler as acting administrator. He doesn't belong in EPA in any capacity."

Politico

<https://www.politicopro.com/energy/whiteboard/2018/04/senate-tees-up-procedural-vote-on-wheeler-nomination-1010061>

Senate tees up procedural vote on Wheeler nomination

By Anthony Adragna, 4/11/18, 6:08 PM

The Senate has scheduled a key procedural vote at 9:30 a.m. Thursday on Andrew Wheeler's nomination to be deputy administrator of the EPA.

If Wheeler hits the majority threshold, as expected, there would be up to 30 hours of debate before a final vote.

Democrats have vowed to use as much of that time as possible, though aides privately suggest they'll waive much of the time back. They argue, backed by the environmental and public health communities, that the fossil fuel lobbyist's selection has taken on greater importance in light of Administrator Scott Pruitt's ongoing ethics woes.

"It looks like we're going to have to use all 30 hours and just push hard to stop him," Sen. Tom Udall (D-N.M.) said.

Wheeler, a former long-time Senate aide, is expected to have the votes to win confirmation after two Senate Democratic moderates — Joe Manchin (W.Va.) and Heidi Heitkamp (N.D.) — announced their support earlier this week.

WHAT'S NEXT: A final vote on Wheeler's nomination has not yet been announced.

Daily Caller

<http://dailycaller.com/2018/04/12/senate-moves-closer-to-andrew-wheeler-confirmation/>

Senate Moves Closer Toward Confirming Coal Lobbyist As Pruitt's Deputy Head

By Chris White, 4/12/18, 11:47 AM

The Senate passed a cloture vote Thursday moving lawmakers closer toward confirming an energy lobbyist as deputy head of the Environmental Protection Agency.

A procedural vote for Andrew Wheeler passed 53 to 45. Wheeler received support from all Republicans who were present. Only three Democrats voted for Wheeler, who is an EPA chief Scott Pruitt acolyte but with more experience navigating D.C. politics.

Democratic Sens. Joe Donnelly of Indiana, Heidi Heitkamp of North Dakota and Joe Manchin of West Virginia all voted for cloture. Each of them is running for reelection this year in heavily Republican states. Other Democrats are wary about Wheeler, who would immediately replace Pruitt if the controversial EPA head resigns or is fired.

"The circumstances regarding Mr. Wheeler have changed since we had our nomination hearing and vote with the cloud over Administrator Pruitt," Democratic Sen. Ben Cardin of Maryland said Wednesday. "I think it would be best advised to hold off on this vote to see if we are voting on the acting administrator or the deputy administrator."

The Senate generally votes on final confirmation within hours of the cloture vote. Democrats could force the Senate to debate Wheeler's nomination for up to 30 hours.

Wheeler co-heads Faegre Baker Daniels, a law and consulting firm, and was previously registered as a lobbyist for coal-mining giant Murray Energy, but stepped down in 2017 before President Donald Trump tapped him for the EPA job. He might offer a more deft touch to regulatory rollback than Pruitt, who's employed more of a bull-rush mentality to deconstructing Obama-era climate rules.

New York Times

<https://www.nytimes.com/2018/04/12/climate/epa-pruitt-deputy-wheeler-confirmation.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency>

Andrew Wheeler, Set to Be No. 2 at E.P.A., Is a Coal Lobbyist Steeped in Washington's Ways

By Coral Davenport, 4/12/18

WASHINGTON — The Senate on Thursday is widely expected to confirm the Environmental Protection Agency's second-in-command, Andrew Wheeler, a former coal lobbyist who not only shares the deregulatory zeal of Scott Pruitt, the E.P.A. chief, but also his doubtful view of climate science.

More notable, however, are the differences between the two men.

Unlike Mr. Pruitt, a Washington outsider caught in a swirl of controversy over his costly first-class travel and security spending, Mr. Wheeler is viewed as a low-key insider with years of Washington experience in the art of pursuing policy change while avoiding public distraction.

Deregulation is among President Trump's central campaign promises, and Mr. Pruitt has proposed ambitious rollbacks of rules governing clean air and water and fighting against climate change. But many of his initiatives have stumbled because of haste or imprecision, and at least six have been struck down by the courts. That makes the arrival of Mr. Wheeler's expertise particularly consequential.

Then there is the spotlight of the ethics questions faced by Mr. Pruitt, and the calls for him to step down or be replaced. If Mr. Pruitt were to leave the agency, Mr. Wheeler would become the acting administrator. Former E.P.A. officials describe him as well positioned to pursue Mr. Trump's agenda as effectively as Mr. Pruitt, or even more so, by moving more slowly but in ways likelier to withstand legal challenge.

Democrats have long sought to delay Mr. Wheeler's confirmation. "He's part of the climate denial fringe, he's a coal lobbyist and there's a possibility he'll be running the agency if Scott Pruitt goes down," said Senator Sheldon Whitehouse, Democrat of Rhode Island, who has emerged as one of Congress' loudest proponents of climate change policy.

Mr. Wheeler's supporters — among them Senator James Inhofe, one of the most vocal climate-science denialists in Congress — welcomed his arrival at the E.P.A. "Andy Wheeler is the most competent and qualified person for the job he's been asked to fulfill," Mr. Inhofe said. "Anyone who sat through his confirmation hearing would tell you he did a masterful job."

Mr. Wheeler worked for Mr. Inhofe as chief of staff for more than a dozen years on Capitol Hill. He also worked at the E.P.A. in the office of pollution prevention under the administration of the first President George Bush. Most recently, he lobbied for Murray Energy, whose chief executive, Robert E. Murray, has been a supporter and adviser of Mr. Trump's.

A few weeks after Mr. Trump's inauguration, Mr. Murray, who contributed \$300,000 to Mr. Trump's inauguration fund, presented the president with a wish list of regulations that he wanted to see lifted from the coal industry. Mr. Trump then assigned Mr. Pruitt to roll back those rules.

Jack Gerard, the head of the American Petroleum Institute, which lobbies for oil companies, said in a statement, "Andrew Wheeler knows the important role that natural gas and oil plays in the daily life of every American and will work to further a smarter, science-based regulatory agenda."

In 2010, Mr. Wheeler criticized the United Nations Intergovernmental Panel on Climate Change, the world's leading scientific authority on global warming, writing in a blog post that it has "has functioned more as a political body than a scientific body."

In terms of environmental policy, Mr. Wheeler would bring continuity to the controversial tenure of Mr. Pruitt, the former Oklahoma attorney general who built his career suing the E.P.A. and who, and as head of the agency, led an

aggressive push to roll back dozens of environmental regulations. Mr. Pruitt has become known for staging prominent media events to announce his proposals and has spent taxpayer money on first class travel as well as services that his predecessors did not require, such as a 24-hour security detail.

By contrast, Mr. Wheeler, who has worked in Washington for more than 20 years, tends to eschew the limelight, his colleagues said. His career was built around quietly and incrementally advancing the interests of the fossil fuel industry, chiefly by weakening or delaying federal regulations.

Should Mr. Pruitt part ways with the E.P.A., it is unlikely that the Senate would confirm a successor this year, even if Mr. Trump were to nominate one quickly. "They're not going to get anyone else through the Senate until after this election cycle," said Christine Todd Whitman, who headed the E.P.A. during the George W. Bush administration. "The acting administrator doesn't have the same authority as the administrator, but they can do an awful lot."

Nevertheless, Senate Democrats this week sought to use Mr. Pruitt's troubles as a political lever to further delay Mr. Wheeler's confirmation vote, arguing that he should be subject to the same scrutiny and vetting as a cabinet secretary.

"The problem with the Wheeler nomination is, if Pruitt goes tomorrow, Wheeler is in fact the administrator," said Senator Tom Udall, Democrat of New Mexico. "What I'm going to ask is that he go through a vetting process similar to taking over the Environmental Protection Agency. And we hope we can get some Republican support on that."

In the current Republican-dominated Congress, that is a proposal with almost no chance of success.

One E.P.A. official, along with one White House official, said that once Mr. Wheeler starts his new job, they expect the pressure to remove Mr. Pruitt to increase. Both spoke anonymously because they were not authorized to discuss internal White House deliberations on the record. On the other hand, Mr. Pruitt clearly has received support from the White House in recent days, most significantly the president.

Mr. Wheeler's arrival as the E.P.A.'s second-in-command could come as a welcome change to some agency staffers who have grown weary of defending their boss's controversial decisions, according to an E.P.A. official who spoke on condition of anonymity.

"He's a careful, studious person. A quiet fellow," said Scott Segal, a fossil fuel lobbyist who has worked closely with Mr. Wheeler. "He knows the agency very, very well."

Mr. Wheeler will be joining a cadre of fellow former staffers for Mr. Inhofe, including Mr. Pruitt's current chief of staff, Ryan Jackson.

Mr. Inhofe has long been a political patron of Mr. Pruitt's. And Mr. Pruitt is widely thought to be considering running for Mr. Inhofe's seat, should the 83-year-old senator retire.

Mr. Pruitt's current troubles, and his evident interest in Mr. Inhofe's job, have irritated some of Mr. Inhofe's allies. But the Oklahoma senator continues to stand by his protégé.

"This was bound to happen, because he's doing his job," Mr. Inhofe said. "They've been after him from the very beginning. They're making him as miserable as they could."

Mr. Inhofe acknowledged that, with Mr. Wheeler's arrival, his influence is likely to grow as former staffers fill the senior ranks at an agency he has often criticized. "They're all good people," he said. "I trained them well."

https://www.washingtonpost.com/news/energy-environment/wp/2018/04/12/former-pruitt-aide-alleges-litany-of-wasteful-spending-extravagant-travel-by-epa-chief/?utm_term=.8944fb662054

Former Pruitt aide alleges litany of wasteful spending, extravagant travel by EPA chief

By Brady Dennis and Juliet Eilperin, 4/12/18, 12:04 PM

A former senior aide to Environmental Protection Agency administrator Scott Pruitt has detailed what he calls a long list of wasteful spending and unethical behavior on behalf of Pruitt to congressional investigators, according to an letter signed Thursday by Democrats in both houses of Congress.

Kevin Chmielewski, a former Trump campaign aide who until recently served as deputy chief of staff for operations to Pruitt, told congressional staffers that Pruitt routinely pushed for unjustified expenditures on his travel, lodging and changes to his office, and that he marginalized employees who questioned his directives.

The allegations are included in a letter to Pruitt sent Thursday by five Democrats in the House and Senate, including Rep. Elijah E. Cummings (D-Md.) and Sen. Thomas R. Carper (D-Del).

EPA officials previously have dismissed Chmielewski as one of a group of “disgruntled” employees who were dismissed or reassigned. Chmielewski has said he was removed from his position and placed on administrative leave after refusing to approve inappropriate expenditures.

“We will respond to Members of Congress through the proper channel,” said EPA spokesman Jahan Wilcox in a statement Thursday.

Many of Chmielewski’s assertions have previously been reported, but his allegations against Pruitt — which stretch on for several pages — offer a firsthand accounting of what he saw behind closed doors at EPA.

Chmielewski claims that Pruitt often chose travel destinations based on a desire to visit particular cities or countries rather than official business, according to the letter. He said Pruitt also directed staffers to book flights on Delta, even when it was “not the federal government’s contract carrier for the route,” in order to accrue more frequent flier miles. He also said Pruitt routinely asked his staff to “find reasons” for the administrator to travel to Oklahoma, so that he could then remain in his home state for long weekends, often at taxpayer expense.

In addition, Chmielewski claimed that Pruitt “frequently stayed in hotels that exceeded the allowable U.S. government per diem,” and that while planning trips to Italy and Australia — the latter trip was canceled — Pruitt refused to stay at hotels recommended by the U.S. Embassy, even though the hotels suggested by embassy officials “had law enforcement and other U.S. resources on site.”

A current EPA official, who spoke on the condition of anonymity in order to speak frankly, said that Pruitt had pushed to stay in a boutique hotel in Australia but not in Italy, as Chmielewski has told investigators.

Pruitt repeatedly opted to stay in Sofitel chain hotels both domestically and overseas, according to multiple aides, even when those costs exceeded the allowed government per diem.

Chmielewski also claims that Pruitt’s chief of staff, Ryan Jackson, was excluded from scheduling meetings about the EPA leader’s travel after raising concerns about his expenditures, according to the letter.

Chmielewski allegations extend to a series of other questions about spending and management decisions for which Pruitt is facing scrutiny. He claims that the EPA administrator far exceeded the amount allowed on alterations to office, including refinishing a desk and purchasing another one and ordering a custom-built soundproof phone booth for \$43,000.

He also asserts that Pruitt had a trusted aide, Millan Hupp, “act as a personal real estate representative,” and had Hupp look into a possible \$100,000-per-month private jet lease, which ultimately did not happen. Chmielewski also claims that Pruitt was in favor of steep raises given to Hupp and another aide, despite the lack of White House approval.

The Hill

<http://thehill.com/policy/energy-environment/382844-dems-former-pruitt-aide-alleges-more-wasteful-spending-retaliation>

Dems: Former Pruitt aide alleges more wasteful spending, retaliation at EPA

By Timothy Cama, 4/12/18, 11:35 AM

A former top aide to Environmental Protection Agency (EPA) head Scott Pruitt is accusing him of more extravagant spending, unnecessary security, employee retaliation and more, according to congressional Democrats.

Kevin Chmielewski, who was formerly Pruitt’s deputy chief of staff for operations, spoke this week to Democratic congressional staff and, according to them, corroborated much of the recent reporting about Pruitt’s spending and ethics controversies while providing some new details.

“Mr. Chmielewski provided new details and corroborated other reports regarding allegations of wasteful spending of taxpayer funds and your disregard for the ethical and legal requirements of your position,” Democratic Sens. Tom Carper (Del.) and Sheldon Whitehouse (R.I.) and Reps. Elijah Cummings (Md.), Gerry Connolly (Va.) and Don Beyer (Va.) wrote to Pruitt on Thursday.

“Mr. Chmielewski described an environment in which you sought to marginalize, remove or otherwise retaliate against agency employees who advised you not to take these troubling actions, or refused to take or justify such actions at your direction.”

Chmielewski was put on leave from the EPA earlier this year, in what he alleged was retaliation for questioning or pushing back on Pruitt’s decisions.

He was a campaign aide to Trump before his time at the EPA, and Trump once brought him on stage at a campaign rally to thank him for his work.

Carper is the top Democrat on the Senate Environment and Public Works Committee Cummings is the top Democrat on the House Oversight and Government Reform Committee.

The Democrats also sent a copy of the letter directly to President Trump.

EPA spokesman Jahan Wilcox said the agency “will respond to members of Congress through the proper channel.”

After The New York Times reported on many of the allegations last week, Wilcox said they came from “a group of disgruntled employees who have either been dismissed or reassigned.”

The EPA did not respond to a request for comment on the Democrats’ allegations. But after the New York Times reported on many of the allegations last week, EPA spokesman Jahan Wilcox said they came from “a group of disgruntled employees who have either been dismissed or reassigned.”

Pruitt has been under from both Republicans and Democrats in recent weeks over ethics allegations, including that he paid \$50 for each night he slept at a condo owned by the wife of an energy lobbyist and directed pay raises for two aides despite the White House refusing to approve them.

In their six-page letter, the Democrats lay out a host of new allegations against Pruitt, and asked for various documents and pieces of information about them.

The allegations include that the EPA paid for bulletproof locks and weapons, biometric locks, new SUVs for Pruitt's travel and a \$30,000 contract with private Italian security officers for his trip there.

Pruitt far exceeded the \$5,000 limit to redecorate his office, Chmielewski said, and he often made his security staff use lights and sirens to speed through Washington, D.C., including in residential neighborhoods.

Chmielewski said that he was in EPA Chief of Staff Ryan Jackson's office once and heard a phone conversation with J. Steven Hart, an energy lobbyist and wife of Pruitt's landlord. Hart alleged that Pruitt never paid him rent and that Pruitt's adult daughter damaged hardwood floors in the apartment.

Pruitt's travel destinations were based on a desire to visit certain cities or countries, and sometimes asked aides to find him official business to do there, according to Chmielewski. He also asked staff to ensure he could get to his home Oklahoma on the weekends by finding trips near there.

Chmielewski said he pushed back on many of Pruitt's requests. But he says his refusal to retroactively approve a first-class ticket for then-Pruitt aide Samantha Dravis to return from Morocco in December appears to have been what made Pruitt want to remove him from his job.

Washington Times

<https://www.washingtontimes.com/news/2018/apr/12/pruitt-knew-about-raises-top-aides-whistleblower/>

Pruitt knew about raises for top aides, tried to rent \$100K-per-month private jet: EPA whistleblower

By Ben Wolfgang, 4/12/18

Despite repeated denials, EPA Administrator Scott Pruitt knew about and approved pay raises for two top aides, an agency whistleblower told congressional Democrats in a series of explosive accusations that raise fresh ethical questions around the EPA chief.

In letters to both Mr. Pruitt and President Trump on Thursday, the five Democrats — three House members and two senators — said they want to see a host of emails and other documents related to Mr. Pruitt's handling of the EPA, his private travel, his \$50-per-night condo rental from the wife an oil industry lobbyist, and other issues.

The whistleblower, Kevin Chmielewski, former deputy chief of staff for operations at the EPA and a former Trump campaign aide, also said Mr. Pruitt tried to rent a \$100,000-per-month private jet, which would've quickly blown a hole in the administrator's annual travel budget of \$450,000.

"It appears you have not received all the facts surrounding Administrator Pruitt's spending, security arrangements, travel, living arrangements and personnel actions, among other things," the Democrats told Mr. Trump in their letter. "We therefore urge you to continue to conduct your own investigation of Administrator Pruitt's actions, including examining relevant documents and speaking with credible witnesses such as Mr. Chmielewski.

"Mr. Chmielewski said to us when explaining his decision to speak out against Administrator Pruitt that, regardless of political party, 'right is right, and wrong is wrong,'" they continued.

The letter was signed by Sen. Tom Carper of Delaware, Sen. Sheldon Whitehouse of Rhode Island, Rep. Elijah Cummings of Maryland, Rep. Gerald Connolly of Virginia and Rep. Donald Beyer of Virginia.

The EPA did not directly address the accusations.

“We will respond to members of Congress through the proper channel,” agency spokesman Jahan Wilcox said.

The new information — which comes as the White House conducts its own review of Mr. Pruitt’s actions, along with a host of EPA inspector general reviews — once again shines a spotlight on the embattled administrator.

Mr. Pruitt last week denied having any knowledge of pay raises for two top aides — raises that the White House had previously denied. The EPA then used obscure authority under a federal law to reassign the employees and give them the raises.

Mr. Chmielewski, who was put on leave from the agency in February, told Democrats the raises were “100 percent Pruitt himself.”

On Mr. Pruitt’s condo rental, the former EPA official said that Mr. Pruitt’s landlord, lobbyist Steven Hart, “was complaining that you had never paid any rent to him, and that your daughter damaged his hardwood floors by repeatedly rolling her luggage across the unit when she was staying there.”

Mr. Pruitt also has come under fire for his first-class travel and use of a 24/7 security detail.

On travel, Mr. Chmielewski said that Mr. Pruitt “sought to have the agency enter into a \$100,000-per-month contract to rent a private jet,” but that the plan was ultimately blocked by other EPA officials. He also said the administrator routinely picked out locations he wanted to visit and then told staff to “find me something to do” to justify the trip as official business.

Mr. Pruitt also directed staff to find him reasons to visit his home state of Oklahoma; repeatedly picked hotels far more expensive than the allowable U.S. government per diem; and asked staff to book his flights on Delta even when that wasn’t the federal government’s contract carrier so he could book personal frequent flyer miles, the whistleblower charged.

More broadly, Mr. Chmielewski described an environment in which employees who questioned Mr. Pruitt were demoted, reassigned, or removed. Earlier this week, an EPA official who signed off on security reviews that questioned whether the administrator truly needed around-the-clock protection was removed from his job. EPA officials denied any connection between the firing and the release of the internal security review.

“Mr. Chmielewski described an environment in which you sought to marginalize, remove or otherwise retaliate against agency employees who advised you not to take these troubling actions, or refused to take or justify such actions at your direction,” the Democrats said in the letter to Mr. Pruitt.

The EPA chief has maintained that he’s done nothing wrong and that his enemies — including some inside the agency itself, which he described as a “bastion of liberalism” — are trying to use the controversies to force him out.

Mr. Trump last weekend expressed strong support for Mr. Pruitt, and said he’s doing a great job.

Bloomberg

<https://www.bloomberg.com/news/articles/2018-04-12/fired-epa-employee-details-wasteful-spending-by-chief-pruitt>

Fired EPA Employee Details ‘Wasteful’ Pruitt Spending

By Ari Natter and Jennifer A Dlouhy, 4/12/18, 11:47 AM

A former employee who objected to Scott Pruitt's expenditures at the Environmental Protection Agency has "painted an extremely troubling picture" of wasteful spending, unethical behavior and "potentially illegal" actions by the agency's administrator, said House and Senate Democrats.

The lawmakers on Thursday detailed their concerns in letters to Pruitt and President Donald Trump, following an interview with Kevin Chmielewski, the EPA's former deputy chief of staff for operations, who said he was put on leave after refusing to retroactively approve first-class travel for one of Pruitt's top aides.

Over eight pages, the lawmakers detail point-by-point how Chmielewski corroborated recent reports alleging questionable spending and actions at the EPA under Pruitt. The lawmakers said Chmielewski also provided new, troubling information about Pruitt's \$50-per-night rental of a bedroom in a Capitol Hill condominium from a lobbyist, his reliance on first-class travel, and a pattern of retaliating against employees who didn't go along with the moves.

Among the concerns: Chmielewski said Pruitt's pricey travel around the globe was frequently dictated by his desire to visit specific cities and countries, not by legitimate government business, and that EPA staff were then asked to find events to justify the trips, including frequent visits to the administrator's home state of Oklahoma.

EPA representatives didn't immediately respond to an emailed request seeking comment, but spokesman Jahan Wilcox previously described Chmielewski as being among "a group of disgruntled employees."

AP

<https://apnews.com/257d6cab088142b18315d633e186585b/Ex-Trump-aide-on-leave-after-questioning-Pruitt's-spending>

Ex-Trump aide on leave after questioning Pruitt's spending

By Michael Biesecker, 4/12/18

WASHINGTON (AP) — A high-ranking political staffer at the Environmental Protection Agency has told lawmakers he faced retaliation after pushing back against outsized spending demands from Administrator Scott Pruitt and his top aides.

House and Senate Democrats sent letters Thursday to President Donald Trump and Pruitt describing a meeting they had with Kevin Chmielewski, who was recently placed on involuntary, unpaid leave from his position as EPA's deputy chief of staff for operations.

Chmielewski is a Republican who served as a key staffer for the Trump campaign before being hired at EPA last year to help oversee spending at the agency. He says he was forced out after questioning Pruitt's travel and security spending, including the administrator's use of first-class flights.

EPA's press office did not immediately respond to requests for comment.

Politico

<https://www.politico.com/story/2018/04/12/former-epa-staffer-pruitt-first-class-478291>

Former EPA staffer: Refusal to OK first-class flight for Pruitt aide prompted firing

By Alex Guillen, 4/12/18, 11:42 AM

A former top EPA staffer says he was pushed out of the agency after he refused to retroactively approve the first-class travel of one of Administrator Scott Pruitt's closest aides.

Kevin Chmielewski, who previously worked as the deputy chief of staff for operations and handled many of Pruitt's travel and logistics coordination, told Democratic lawmakers this week that Pruitt had requested his aide, Samantha Dravis, the head of EPA's Office of Policy, join him in first class on a return flight from Morocco in December, where Pruitt went to promote U.S. natural gas.

Chmielewski, a former Trump campaign staffer, told the lawmakers he refused to sign paperwork justifying Dravis' first-class travel after the fact "because it violated federal travel regulations," the Democrats wrote in letters to Pruitt and President Donald Trump on Thursday. He said another EPA staffer eventually signed off on the travel retroactively.

Chmielewski said that his refusal to bless Dravis' upgraded travel after the fact "appears to him to have been the final straw that caused you to remove him," the lawmakers wrote to Pruitt. Ryan Jackson, Pruitt's chief of staff, subsequently informed Chmielewski that Pruitt "wished to fire or reassign him."

The head of Pruitt's security detail, Nino Perrotta, allegedly asked for Chmielewski to give up his government credentials when he returned to the agency after an unrelated overseas trip with Vice President Mike Pence.

Chmielewski also detailed several other allegations against Pruitt regarding his controversial travel, condo rental, large raises given to favored aides and even the administrator's heavy spending to redecorate his office.

"The new information provided by Mr. Chmielewski, if accurate, leaves us certain that your leadership at EPA has been fraught with numerous and repeated unethical and potentially illegal actions on a wide range of consequential matters that you and some members of your staff directed," the lawmakers wrote to Pruitt in asking for more documents.

The letters were signed by Sens. Tom Carper (D-Del.) and Sheldon Whitehouse (D-R.I.) and Reps. Elijah Cummings (D-Md.), Gerry Connolly (D-Va.) and Don Beyer (D-Va.).

New York Times

https://www.nytimes.com/2018/04/12/climate/pruitt-epa-ethics-letter-congress.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics®ion=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection

Lawmakers' Letter Claims Further Spending Abuses by the E.P.A. Head, Scott Pruitt

By Eric Lipton, 4/12/18

WASHINGTON — Scott Pruitt, the Environmental Protection Agency administrator, insisted on staying in luxury hotels that were costlier than allowed by government standards, while also pushing to fly on an airline not on the government's approved list so he could accrue more frequent flier miles, one of his top former deputies at agency has told congressional investigators.

The new allegations are detailed in a scathing six-page letter signed by two senators and three House lawmakers — all Democrats — whose staff members met this week with Kevin Chmielewski, who served as the E.P.A.'s deputy chief of staff until he was removed from his post after raising objections to this and other spending.

Jahan Wilcox, a spokesman for the E.P.A., said, "We will respond to members of Congress through the proper channel."

Mr. Chmielewski told congressional staff members during a meeting this week that Mr. Pruitt would often seek to schedule trips back to Oklahoma, where he still owns a home, so he could stay there for weekends. "Find me something to do," were the instructions Mr. Pruitt gave his staff, after telling them he wanted to travel to particular destinations, the letter says, quoting Mr. Chmielewski, who was expected to sign off on the trips.

When planning a trip to Italy, Mr. Pruitt “refused to stay at hotels recommended by the U.S. Embassy, although the recommended hotel had law enforcement and other U.S. resources on site,” according to the letter, which was written and sent to Mr. Pruitt, asking him to turn over documents related to the letter’s claims. Instead, Mr. Pruitt chose to stay “at more expensive hotels with fewer standard security resources,” while bringing along his own security team “at taxpayer expense.”

For other trips, Mr. Pruitt pushed the agency to book him on Delta, even though it is not the federal government’s contract carrier, “because you want to accrue more frequent flier miles,” the letter says.

The letter says that while Mr. Pruitt was living last year in a Capitol Hill condominium rented from the wife of an energy lobbyist, complaints came in to the E.P.A. from the lobbyist, J. Steven Hart, that “you had never paid any rent to him, and that your daughter damaged his hardwood floors by repeatedly rolling her luggage across the unit when she was staying there.”

Mr. Chmielewski also provided details about how Mr. Pruitt had assigned one of his aides, Millan Hupp, to “act as your personal real estate representative, spending weeks improperly using federal government resources and time to contact rental and seller’s agents, and touring numerous properties in which you might wish to reside.”

The letter also corroborates details previously reported by The New York Times, including that Mr. Pruitt and others at the agency retaliated against staff members, including Mr. Chmielewski, when they objected to the spending requests.

Mr. Chmielewski, for example, refused to approve first-class travel for one of Mr. Pruitt’s aides for a trip Mr. Pruitt took to Morocco last year, saying the cost violated federal rules. After that, he was told by Mr. Pruitt’s chief of staff, Ryan Jackson, that he was going to be fired or reassigned.

“The new information provided by Mr. Chmielewski, if accurate, leaves us certain that your leadership at E.P.A. has been fraught with numerous and repeated unethical and potentially illegal actions on a wide range of consequential matters,” the letter says. It was signed by Senators Thomas R. Carper of Delaware and Sheldon Whitehouse of Rhode Island, as well as Representatives Elijah Cummings of Maryland, Gerald E. Connolly of Virginia and Donald S. Beyer Jr. of Virginia.

Washington Examiner

<https://www.washingtonexaminer.com/opinion/the-stupid-scott-pruitt-scandal-over-challenge-coins-the-epa-didnt-buy>

The stupid Scott Pruitt scandal over 'challenge coins' the EPA didn't buy (*Op-Ed)

By Philip Wegmann, 4/12/18, 2:19 PM

Any taxpayer money spent on bureaucratic memorabilia is money wasted. Public servants shouldn’t need swag to commemorate doing their jobs. Still criticism of Scott Pruitt over a proposed redesign of so-called challenge coins for the EPA is just too much.

A 1,200-word New York Times expose details Pruitt’s ideas for redesigning the coins, keepsakes given out in appreciation of a job well done. He wanted a Buffalo and a Bible Verse added, innocuous odes to Oklahoma and his faith. Bottom line, the Times reports, Pruitt wanted to “make it bigger, and delete the E.P.A. logo.”

But that was just a proposal. The coins were never minted. The EPA even said so on the record.

“Administrator Pruitt does not have a challenge coin,” EPA spokesman Jahan Wilcox said in a statement, “but while we’re on the subject, President Obama’s Assistant Secretary of Veterans Affairs Tammy Duckworth spent taxpayers dollars on challenge coins.”

And that's true. As the Chicago Tribune first reported in 2016, while at the VA, now Sen. Duckworth spent \$1,875 on the coins "with the VA logo on one side and her name on the other." Duckworth also spent another \$2,100 on fine china with VA branding.

While that wasn't a prudent use of taxpayer money, it's not a huge scandal either. It briefly became a mini-scandal for Duckworth during her Senate campaign but was quickly dismissed (more troubling was the \$100K she spent on media training while in that office). The same should happen here with Pruitt.

The EPA administrator is defending his record in light of more serious revelations like his decision to rent an apartment from a lobbyist, his sound-proofing expenditures, and his first-class flights. The scandal about the challenge coins certainly scrapes the bottom of the metaphorical barrel.

But because any waste is too much, here is a simple solution: bureaucrats should be prohibited from buying knick-knacks.

Philip Wegmann is a commentary writer for the Washington Examiner.

Daily Caller

<http://dailycaller.com/2018/04/12/pruitt-duckworth-challenge-coins/>

NYT Goes After Pruitt For 'Challenge Coins' He Didn't Buy. Obama Officials Bought Them, Though

By Tim Pearce, 4/12/18, 9:25 AM

The New York Times reported Wednesday that Environmental Protection Agency Administrator Scott Pruitt considered redesigning his department's "challenge coin" to enlarge it and replace the EPA logo, but the idea was scrapped.

A former Veterans Affairs official under former President Barack Obama redesigned the VA's medallions, spending nearly \$2,000 to get coins with the official's name on them.

Former EPA multimedia director Ronald Slotkin, a career official who retired this year, said Pruitt wanted to make the coin about himself rather than the agency.

"These coins represent the agency," Slotkin told TheNYT. "But Pruitt wanted his coin to be bigger than everyone else's and he wanted it in a way that represented him."

Redesigning a department's "challenge coins" is not a unprecedented, though President Donald Trump and Interior Secretary Ryan Zinke have been criticized for redesigning the medallions, which are handed out to visitors as souvenirs.

"Administrator Pruitt does not have a challenge coin, but while we're on the subject, President Obama's Assistant Secretary of Veterans Affairs Tammy Duckworth spent taxpayers' dollars on challenge coins," EPA spokesman Jahan Wilcox told The Daily Caller News Foundation in a statement.

Duckworth spent \$1,875 on commemorative coins with the VA logo on one side and her name emblazoned on the other, according to a Chicago Tribune review of expenditures.

Duckworth also spent nearly \$100,000 on "media comm. training" and another \$2,100 on "china with the VA logo."

New York Times

https://www.nytimes.com/2018/04/11/climate/pruitt-epa-challenge-coin.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics®ion=stream&module=stream_unit&version=latest&contentPlacement=3&pgtype=collection

Scott Pruitt's Idea to Update an E.P.A. Keepsake: Less E.P.A., More Pruitt

By Lisa Friedman and Kenneth P. Vogel, 4/11/18

When Scott Pruitt wanted to refashion the Environmental Protection Agency's "challenge coin" — a type of souvenir medallion with military origins that has become a status symbol among civilians — he proposed an unusual design: Make it bigger, and delete the E.P.A. logo.

Mr. Pruitt instead wanted the coin to feature some combination of symbols more reflective of himself and the Trump administration. Among the possibilities: a buffalo, to evoke Mr. Pruitt's native Oklahoma, and a Bible verse to reflect his faith.

Other ideas included using the Great Seal of the United States — a design similar to the presidential seal — and putting Mr. Pruitt's name around the rim in large letters, according to Ronald Slotkin, a career E.P.A. employee who retired this year, and two people familiar with the proposals who asked to remain anonymous because they said they feared retribution.

Many agencies have challenge coins to hand out as gifts to employees or guests. The name comes from a military tradition of carrying a coin stamped with an insignia to prove one's affiliation, if challenged.

Mr. Pruitt's numismatic preferences, laid out last year during his first few months at the agency, raised concerns among senior agency officials, according to Mr. Slotkin and the others. Over the course of several months of discussions, they said, staff members expressed worries that his proposals would cost too much, and that dropping the agency's seal — a stylized flower — would be a breach of protocol. They urged Mr. Pruitt to consider more modest designs and to drop his objection to the seal.

Mr. Slotkin said the proposals appeared to refashion the coin into a keepsake embodying Mr. Pruitt, as opposed to the E.P.A.

"These coins represent the agency," said Mr. Slotkin, who served as the director of the E.P.A.'s multimedia office. "But Pruitt wanted his coin to be bigger than everyone else's and he wanted it in a way that represented him."

Mr. Slotkin said that during the design discussion, in which he participated, Mr. Pruitt wanted to remove "anything to do with E.P.A." The changes, he said, would have turned it into a "Pruitt coin."

A spokesman for the E.P.A., Jahan Wilcox, said the agency never ordered challenge coins.

Another person who was involved in the debate said that Mr. Pruitt had expressed disapproval of the agency's seal, a round flower with four leaves. He felt it looked like a marijuana leaf.

Mr. Pruitt also requested that the agency order other items — including leather-bound notebooks, fountain pens and stationery — from which he wanted to omit the E.P.A. seal and upon which he wanted to feature his name prominently, according to Mr. Slotkin and the person who participated in the discussions about the seal. Ultimately, the items retained a small version of the seal, according to several people familiar with the orders.

The debate over souvenirs came as Mr. Pruitt was engaged in personal and public spending that has since become the subject of scrutiny, threatening his tenure at the E.P.A.

Mr. Pruitt has been under fire for renting a condominium for \$50 a night from the wife of a lobbyist with business before his agency, as well as for his spending of taxpayer dollars on first-class travel, which he has asserted was necessary for security reasons.

In an interview with The Washington Examiner this month, Mr. Pruitt said he was under attack because he has been effective in enacting President Trump's regulatory overhaul agenda and opponents would like to stop him. "And do I think that they will resort to anything to achieve that?" he said. "Yes."

Mr. Trump defended Mr. Pruitt in a weekend Twitter message: "While Security spending was somewhat more than his predecessor, Scott Pruitt has received death threats because of his bold actions at E.P.A. Record clean Air & Water while saving U.S.A. Billions of Dollars. Rent was about market rate, travel expenses O.K. Scott is doing a great job!"

Some critics of Mr. Pruitt's coin proposal said it missed the point of the gift item. Scott H. Amey, general counsel of the Project on Government Oversight, a watchdog group, said that the coins were intended to honor jobs well done and lift morale. "The coin should reference the E.P.A., and not become tribute to Pruitt or Oklahoma," he said.

While the origins of the silver-dollar-sized coins are military — they have typically been given by commanders to recognize outstanding service — today they can be found everywhere. Eric Perez, who manages Lapel Pins Plus Network in Florida, a challenge-coin maker, said these days he creates coins "for everyone, from government agencies down to mom-and-pop stores and everything in between."

Currently, he said, the company is designing a separate E.P.A. challenge coin to be given to emergency workers who responded to last year's hurricanes and wildfires. The coin, Mr. Perez said, is similar to one the company designed for a division of the E.P.A. a few years ago that depicted emergency responders on one side and the agency symbol and division name on the other.

The main design of the current E.P.A. challenge coin was conceived under President Barack Obama's first administrator, Lisa P. Jackson. One side bears the agency seal with her signature underneath and her name stamped along the rim. The other side has an image of outstretched hands holding up the earth.

The cost of the coins ranges roughly from \$3 to \$6 apiece (not including the molds) depending on size, thickness, design and number of coins produced, according to Mary Harms, the owner of Challenge Design, a company that makes challenge coins for the White House Military Office.

Mr. Slotkin, along with one of the people familiar with the initial discussions and who requested anonymity, said Mr. Pruitt wanted his coin to be about twice as large as the current one while featuring images of more personal relevance, such as the buffalo. Mr. Slotkin said that, when he asked Mr. Pruitt's aides, why put a buffalo on the coin, they answered, "But he's from Oklahoma."

"At one point he wanted a Bible verse, but staff talked him out of it," Mr. Slotkin said. He said he did not recall which verse had been considered.

Asked about the details of the E.P.A.'s coin redesign, Mr. Wilcox, the E.P.A. spokesman, said in a statement: "Administrator Pruitt does not have a challenge coin."

Other agencies have made changes to their own challenge coins. Ryan Zinke, the interior secretary, issued coins last year that display the United States seal on one side and his agency's logo, a buffalo on a prairie with mountains and a rising sun, on the other. Mr. Zinke's name is stamped around the rim. Earlier Interior Department challenge coins did not bear the secretary's name.

Mr. Trump also has remade the presidential challenge coins, substituting his campaign slogan, "Make America Great Again," for the national motto, e pluribus unum.

https://www.washingtonpost.com/news/energy-environment/wp/2018/04/12/scott-pruitt-has-four-different-epa-email-addresses-lawmakers-want-to-know-why/?utm_term=.bddd7856e156

Scott Pruitt has four different EPA email addresses. Lawmakers want to know why.

By Juliet Eilperin and Brady Dennis, 4/12/18, 11:39 AM

Environmental Protection Agency Administrator Scott Pruitt has used four separate agency email addresses since taking office, according to Senate Democrats and an EPA official, prompting concerns among agency lawyers that the EPA has not disclosed all the documents it would normally release to the public under federal records requests.

Two Democrats on the Senate Environment and Public Works Committee — Jeff Merkley (Ore.) and Tom Carper (Del.) — sent a letter Tuesday to the EPA’s inspector general asking the office to probe the matter.

“We write to share our deep concern over Administrator Pruitt’s reported use of multiple email accounts,” they wrote in the letter, which was obtained by The Washington Post. “It is imperative that there be an investigation into whether the agency has properly searched these email addresses for responsive documents in response to Freedom of Information Act (FOIA) requests.”

Pruitt’s four email addresses include one in the conventional format, pruitt.scott@epa.gov, as well as three others: esp7@epa.gov, adm14pruitt@epa.gov and sooners7@epa.gov, nicknamed after the University of Oklahoma football team.

Another EPA staffer, who spoke on the condition of anonymity out of fear of retaliation, said that Pruitt’s use of different emails has raised concern among agency lawyers responsible for scouring the administrator’s official correspondence in the course of responding to FOIA requests from journalists and outside groups. If there is an email account that was not searched for records in response to a FOIA inquiry, the official said, that “would be an enormous breach of the public trust.”

The agency has seen a sharp rise in the number of public records requests since Pruitt joined President Trump’s Cabinet. It received 11,493 requests under FOIA in fiscal 2017, according to officials, 995 more than the previous year. In November, Pruitt said his staff has focused on eliminating the backlog of records requests filed during the Obama administration over responding to more recent requests.

Pruitt’s office said it is looking into the matter and will provide a comment later. A spokeswoman for EPA Inspector General Arthur A. Elkins Jr. declined to comment on the senator’s request for audit.

Pruitt isn’t the first EPA chief to face questions over email use.

During President Barack Obama’s first term, then-EPA Administrator Lisa Jackson came under fire for maintaining a separate agency email under the alias “Richard Windsor” — a name that derived from Jackson’s family dog when she lived in East Windsor Township, N.J.

At the time, EPA officials said the agency was not trying to be deceptive in giving Jackson an alternate email address to use. Rather, they said the intent was for her to be able to communicate with other government officials without having to wade through the sea of emails that arrived in her public email, Jackson.lisap@epa.gov — an account the agency said received 1.5 million emails during fiscal year 2012.

They said that administrators since the Clinton administration had followed the practice of having multiple email addresses, writing to lawmakers that for “nearly two decades EPA administrators have managed the agency with two email accounts.”

“We welcome an investigation into this,” an EPA spokeswoman said at the time. “We don’t have anything to hide.”

But disclosure of the account and the unusual name used by Jackson prompted congressional Republicans to request an investigation into the practice. The EPA's inspector general undertook an audit "to determine whether EPA follows applicable laws and regulations when using private and alias email accounts to conduct official business."

If Pruitt's office has been using all four addresses mentioned in the letter, the practice is likely to raise similar questions about whether the EPA chief is trying to skirt public records requests into his correspondence.

Pruitt encountered criticism over allegedly using a private email address in his previous job as Oklahoma attorney general.

During his confirmation hearing early last year, Pruitt said he never used a personal email account for official business as Oklahoma state attorney general. Asked whether he had ever used a private email account while on the job, Pruitt told the Senate Environment and Public Works Committee: "I use only my official OAG [office of the attorney general] email address and government-issued phone to conduct official business."

But several of Pruitt's official emails, released soon after as part of an open records lawsuit in Oklahoma, were copied to his personal email — an Apple account that was partially blacked out before being released.

The emails copied to Pruitt's personal account included ones from the American Legislative Exchange Council (ALEC), a corporate-backed group that focuses on state legislatures; the American Fuel & Petrochemical Manufacturers, which has substantial interests in EPA issues; and members of Pruitt's staff.

A Pruitt spokesman at the time told an Oklahoma Fox News affiliate that officials at the attorney general's office conducted a search of Pruitt's personal email account and did not find any relevant documents that had not been produced in the search of his official email accounts.

The Hill

<http://thehill.com/policy/energy-environment/382870-dems-epa-chief-uses-at-least-four-emails-to-conduct-business>

Dems call for probe into EPA chief's use of multiple email addresses

By Miranda Green, 4/12/18, 1:27 PM

Two Democratic senators requested Tuesday that the Environmental Protection Agency's (EPA) Office of Inspector General investigate reports that Administrator Scott Pruitt uses multiple email accounts to conduct business.

Sen. Tom Carper (D-Del.), the ranking member of the Environment and Public Works Committee, and Sen. Jeff Merkley (D-Ore.), who also sits on the committee, asked for an investigation into Pruitt's use of three "secret" epa.gov email addresses in addition to his public government-issued address, warning that their use may not be in compliance with the Federal Records Act.

"Since early 2017, the EPA has received thousands of Freedom of Information Act (FOIA) requests from the public asking for email records, including those from Administrator Pruitt. With the use of multiple secret email accounts or addresses, we are concerned that the Office of the Administrator may be withholding information from the public in violation of valid FOIA requests," their letter reads.

The two said they first learned of Pruitt's use of multiple email accounts at the agency in December, when they were told there were three email addresses. Since then, they said they have been informed that he uses "at least four."

The four known email addresses for Pruitt are pruitt.scott@epa.gov, esp7@epa.gov, adm14pruitt@epa.gov and sooners7@epa.gov, The Washington Post reported Thursday.

Reached for comment, the EPA wouldn't confirm the number of email accounts Pruitt uses.

"When EPA receives a FOIA request concerning the Administrator's emails, all accounts associated are searched before we respond to that request," said Steve Fine, the agency's acting chief information officer.

The EPA is facing a record number of FOIA requests under the Trump administration, which has in part led to an extreme backlog in response rates. Between Jan. 20, 2017, and the end of last year, 11,431 FOIA requests were filed to the EPA — an increase of about 17 percent compared to the same time period in former President Obama's last year in office, a Project on Government Oversight report found.

The letter to the Inspector General was the first in a string of letters sent this week regarding Pruitt's practices.

A group of Democratic senators and House members, including Carper, sent a letter Thursday to both President Trump and Pruitt requesting additional details surrounding Pruitt's expenses. The letter came after they interviewed a former EPA aid who was reportedly removed from his position for questioning Pruitt's spending.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/04/epa-all-pruitt-email-accounts-searched-in-response-to-foias-1016913>

EPA: All Pruitt email accounts searched in response to FOIAs

By Anthony Adragna, 4/12/18, 1:39 PM

The EPA today denied allegations from two Senate Democrats that the agency has not searched all of Administrator Scott Pruitt's email accounts when it received public records requests.

"When EPA receives a FOIA request concerning the Administrator's emails, all accounts associated are searched before we respond to that request," Steve Fine, EPA's acting chief information officer, said in a statement.

Two senior Environment and Public Works Committee Democrats — Tom Carper (Del.) and Jeff Merkley (Ore.) — have asked the agency's inspector general in a letter to investigate whether Pruitt has been properly maintaining records associated with multiple accounts. They said he has an account for scheduling, another for public comment and another for "communicating."

Bloomberg

<https://www.bloomberg.com/news/articles/2018-04-12/here-s-why-friends-and-foes-of-epa-chief-pruitt-are-so-adamant>

Here's Why Friends and Foes of EPA Chief Pruitt Are So Adamant

By Christopher Flavelle, Ari Natter, and Jennifer A Dlouhy, 4/12/18, 4:00 AM

Supporters and detractors of Environmental Protection Agency head Scott Pruitt agree on this much: He matters.

Pruitt, whose continued tenure has been put in doubt by a series of ethics controversies, has attracted an extraordinary outpouring of support among conservative boosters who say he's the most effective member of President Donald Trump's cabinet. Likewise, the organizers of a "Boot Pruitt" movement see him as a serious risk to the environment he's supposed to be protecting.

Yet it is hard to assess Pruitt's tenure by traditional standards. Many of his high-profile initiatives, such as overturning the Obama administration's plan to curb carbon emissions from power plants, face years of legal challenges.

Nor can Pruitt's significance be tied to a roster of regulatory actions -- including those designed to jettison old rules. Federal data show that since Trump's inauguration, the agency has submitted nine "economically significant" rules, defined as those with likely economic impact of at least \$100 million, to the White House for review. By comparison, the Department of Health and Human Services has produced 31 such rules, the Department of Labor six and the Department of the Interior five.

Narrow that list to the new rules that have actually been issued, and Pruitt's impact is even harder to spot. Of the 24 economically significant regulations that have been approved by the White House under President Donald Trump, just one was issued by the EPA, according to data posted by the Office of Information and Regulatory Affairs. And that rule set the amount of renewable fuels that must be used in 2018 -- a regulation the EPA must issue every year, regardless of who's in charge.

Those figures don't include regulations that were in the works when Pruitt arrived in Washington and that he has blocked.

EPA spokesman Jahan Wilcox cited the agency's work to repeal Obama-era rules governing carbon dioxide emissions and water pollution as evidence Pruitt is advancing Trump's agenda.

"From advocating to leave the Paris Accord, working to repeal Obama's Clean Power Plan and Waters of the United States, declaring a war on lead and cleaning up toxic Superfund sites, Administrator Pruitt is focused on advancing President Trump's agenda of regulatory certainty and environmental stewardship," Wilcox said in an emailed statement.

A fuller assessment of Pruitt's 14 months in office shows that he's laid the groundwork for a wholesale revision of environmental policy, one that delights anti-regulatory groups and frightens environmentalists.

"Without a doubt, Scott Pruitt has been the single most effective appointment of the president of the United States," said Tim Huelskamp, president of the Heartland Institute, an industry-funded nonprofit that advocates for less regulation.

Vera Pardee, senior counsel for the Center for Biological Diversity, shared that view, albeit from the opposite direction. "The deregulatory agenda of Trump finds its most destructive expression in Mr. Pruitt," she said.

That shared view of Pruitt's importance helps explain the effort that advocates have poured into keeping him in his job -- or getting him removed. The outpouring is far greater than was expended on behalf of other embattled cabinet members, such as Secretary of State Rex Tillerson or Veterans Affairs Secretary David Shulkin who both ended up losing their jobs.

Recent Controversies

Pruitt has been dogged by a series of controversies, including expensive first-class tickets and 24-hour security details, hefty raises for aides and renting a Capitol Hill bedroom from a lobbyist for \$50 a night. In response, environmentalists have mounted a campaign to seek Pruitt's ouster; advocates of smaller government, meanwhile, have set up a coordinated effort of their own to retain him at the EPA.

Both sides put Pruitt's effort to reduce the influence of academic scientists within the EPA near the top of their list of reasons why he matters. Pruitt has removed many of those scientists from advisory boards, replacing them with people who reflect the concerns of industries the EPA regulates.

Those boards are important. The Clean Air Scientific Advisory Committee, for example, helps establish ozone standards that the agency is required to implement.

JunkScience.com

Steven Milloy, publisher of the website JunkScience.com and a senior fellow at the Energy and Legal Institute, praised Pruitt for installing as chairmen of the Science Advisory Board and the Clean Air Scientific Advisory Committee "people I consider to be very strongly grounded in science."

Michael Halpern, deputy director of the Center for Science and Democracy at the Union of Concerned Scientists, echoed Milloy's point about the importance of those boards -- although he characterized Pruitt's appointments as "stacking" them.

Another point of agreement is Pruitt's changing the rules on so-called "secret science." He has directed the EPA to use only research whose underlying data is publicly available. Environmental advocates say that prevents the EPA from issuing air and water regulations supported by health research, since the identities of patients studied in those papers is kept private.

Huelskamp, of the Heartland Institute, praised that change. Halpern criticized it.

Pruitt also has made major policy pivots outside the formal rulemaking process. That includes the EPA's decision not to ban the commercial use of the pesticide chlorpyrifos and methylene chloride used in paint strippers. The EPA also has relaxed air pollution requirements via memos and internal opinions -- navigating around the federal rulemaking process in a way that has already drawn at least one legal challenge.

Environmental advocates also argue that Pruitt has restrained the EPA's willingness to fine polluters for violating the law.

"If you look at his enforcement record, it is disastrous and terrifying," said Lukas Ross, climate and energy advocate for Friends of the Earth. "It's not just the number of cases lodged, but it's also the amount of money that's been captured through lodging those cases."

Equally consequential, Ross added, are Pruitt's efforts to change the mission of the agency, in a way that will drive away staff who care about protecting the environment.

"There is a very real threat of brain drain because of the morale crisis being created by Scott Pruitt," Ross said. "If I worked at the EPA, I would be thinking about quitting too."

On that point as well, Milloy, the Junk Science publisher, agreed.

"Are these people sad?" Milloy asked. "The rest of America is happy."

Bloomberg

<https://www.bloomberg.com/news/articles/2018-04-11/epa-workers-join-the-bootpruitt-effort-to-oust-their-boss>

EPA Workers Join the Effort to Oust Pruitt

By Ari Natter, 4/11/18, 3:58 PM

The Environmental Protection Agency's biggest union of employees has signed onto the movement that's trying to get their boss, Administrator Scott Pruitt, fired.

The American Federation of Government Employees Council 238, which represents about 8,000 of the EPA's roughly 14,000 employees, has joined the boot Pruitt campaign, council president John O'Grady said in an interview Wednesday.

"Every step of the way it seems like he is doing what he can to keep the EPA from doing its job," said O'Grady. "He's creating a real mess and I'm not sure he cares."

The boot Pruitt effort was started last month by environmental groups such as Friends of the Earth and the Sierra Club to call attention to Pruitt's spending on first-class airfare and expensive security upgrades through TV ads and digital billboards. The movement, using the #BootPruitt hashtag on Twitter, gained momentum after reports emerged of Pruitt's unorthodox \$50-a-night condo arrangement and big pay increases for two close aides. emerged it gained momentum with Democratic lawmakers joining in using the campaign's.

"He's not a good administrator," said O'Grady. He doesn't have his heart in the right place to protect human health and the environment."

Despite the efforts of opponents, those who have publicly voiced support for Pruitt range from top Republicans on Capitol Hill to President Donald Trump himself. And the EPA says Pruitt is a key player in Trump's quest to lessen regulations.

"From advocating to leave the Paris Accord, working to repeal Obama's Clean Power Plan and Waters of the United States, declaring a war on lead and cleaning up toxic Superfund sites, Administrator Pruitt is focused on advancing President Trump's agenda of regulatory certainty and environmental stewardship," EPA spokesman, Jahan Wilcox, said in an email.

The Hill

<http://thehill.com/policy/energy-environment/382859-poll-epa-chief-has-29-public-approval-rating>

EPA chief Pruitt has 29 percent approval rating: poll

By Miranda Green, 4/12/18, 12:18 PM

Environmental Protection Agency (EPA) Administrator Scott Pruitt has a 29 percent job approval rating, according to a poll released Thursday.

The embattled EPA chief's approval numbers are well below those of President Trump, who currently sits at a 40 percent approval, according to the survey from left-leaning Public Policy Polling.

The poll, commissioned by progressive super PAC American Bridge, found that a plurality — 43 percent — of those questioned believed Trump should fire Pruitt. About 31 percent of respondents disagreed.

Pruitt has been in the spotlight over the past few weeks for a number of scandals linked to his spending, including his use of a \$50-a-night condo rented from the wife of an energy lobbyist and his approval of a number of sizable raises for EPA employees after they were initially denied by the White House.

Responders who knew more about the details of Pruitt's controversies were more likely to believe he should be removed from his position at the EPA, the survey found. In the poll, 65 percent of those voters responded that Pruitt should be fired, while only 30 percent think he should remain in office.

Support for the administrator from Republicans polled wasn't resounding. The poll found that only 50 percent of those questioned approved of Pruitt's job.

Survey respondents were polled between April 9 and 10. The margin of error for the survey is 3.9 percentage points.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/04/perry-wont-weigh-in-on-pruitts-morocco-trip-1013338>

Perry won't weigh in on Pruitt's Morocco trip

By Anthony Adragna, 4/12/18, 11:32 AM

Energy Secretary Rick Perry declined to weigh in on whether he thought it was appropriate for EPA Administrator Scott Pruitt to travel to Morocco last year to promote liquefied natural gas exports.

Perry told lawmakers today that he did not speak to Pruitt before the trip last December, though he said there might have been staff-level talks.

Critics have said Pruitt's trip fell outside EPA's mission of protecting public health and the environment, and that promoting energy exports would be part of the Energy secretary's job description. But Perry said he did not know where that line should be drawn.

"I don't know what EPA's statutory responsibility and authorizations are relative to promoting energy sales," Perry said in response to questions from Ranking Member Frank Pallone (D-N.J.). "So I think it would be a little inappropriate for me to be making a public or private observation about that."

Pallone said he did not think it was Pruitt's job to travel abroad "to promote the sale of fossil fuels from private companies."

That prompted former Chairman Joe Barton (R-Texas) to defend Pruitt's trip: "Any Cabinet secretary that encourages things that are of strategic interest to the United States of America in his overseas travel is not necessarily a bad thing. And I am glad to learn Mr. Pallone agrees that there are limits to what EPA should be involved with."

Pruitt traveled to Morocco for several days in December where he touted "the potential benefit of liquefied natural gas (LNG) imports on Morocco's economy," according to the EPA.

The Hill

<http://thehill.com/policy/energy-environment/382722-gowdy-epa-hasnt-complied-with-records-request-for-pruitts-travel>

Gowdy: EPA hasn't complied with records request for Pruitt's travel

By Timothy Cama, 4/11/18, 4:11 PM

The Environmental Protection Agency (EPA) hasn't given congressional investigators all of the information they requested about Administrator Scott Pruitt's official travel spending, Rep. Trey Gowdy (R-S.C.) said in a letter on Wednesday.

The chairman of the House Oversight and Government Reform Committee wrote to Pruitt asking for the remaining documents about whether Pruitt received waivers to fly first class on the taxpayers' dime.

The EPA provided Gowdy's staff in March with vouchers for his flights since he started at the agency last year, and provided additional information last week.

"Nevertheless, the EPA has failed to produce all of the documents requested on February 20, 2018," Gowdy wrote.

Gowdy also asked for various records relating to Pruitt's condo rental last year from the wife of an energy lobbyist for \$50 for each day he slept there, including "all documents and communications" related to the lease.

The committee announced late last week that Gowdy was investigating the lease, which some Democrats and ethics experts say was unethical and illegal. The EPA says the lease was aboveboard, and ethics officials said — after news reports about it came out — that it was not a "gift" from a lobbyist under federal standards.

EPA spokesman Jahan Wilcox said the agency would respond to Gowdy “through the proper channel.”

Gowdy announced in January that he would step down from Congress after his term expires early next year.

He started looking into Pruitt's travel costs in February, bucking the trend of many congressional committees treading lightly in conducting oversight of the Trump administration.

Pruitt spent more than \$100,000 in his first year on the job flying first class, according to records the EPA provided to Gowdy's committee.

Federal employees are generally prohibited from flying any class other than coach, with few exceptions. The rules require waivers each time an employee wants to fly in a premium class.

The EPA has justified the costs by arguing that first class is safer for Pruitt, since it is easier to exit the plane. Pruitt's personal security detail made the call.

“The quantity and type of threats that I face are unprecedented,” Pruitt told CBS News's Major Garrett in February. “They wanted me on a position on the plane to be able to exit expeditiously if an incident arose, and that's why the change arose.”

The EPA initially said Pruitt had a “blanket waiver” from the federal rules restricting first-class travel, due to security concerns. But the agency later walked that back, saying ethics officials give him waivers on a case-by-case basis.

Pruitt committed, after news of the high costs of his travel came out earlier this year, to flying coach as much as possible.

A pair of Democratic senators Tuesday questioned Pruitt's justifications for the security-related expenditures, saying they obtained analyses from the EPA's homeland security office and the Secret Service that undermined the arguments that Pruitt needs measures like first-class travel and a 24/7 security detail.

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2018/04/11/gop-oversight-chairman-demands-more-records-on-pruitts-travel-housing/?utm_term=.a715073dfc19

GOP oversight chairman demands more records on Pruitt's travel, housing

By Brady Dennis and Juliet Eilperin, 4/11/18, 5:45 PM

The Republican head of a congressional oversight committee Wednesday asked for more answers from the Environmental Protection Agency about Administrator Scott Pruitt's first-class travels and said the committee also plans to evaluate the \$50-a-night rental Pruitt had with a lobbyist.

In a letter to Pruitt, Rep. Trey Gowdy (R-S.C.), chairman of the House Committee on Oversight and Government Reform, said that the EPA “has failed to produce all the documents” he requested in February related to Pruitt's frequent first- and business-class flights, which The Washington Post had reported about in detail days earlier.

While the agency did turn over documents last month detailing nearly \$68,000 in previously undisclosed travel costs for Pruitt during the seven months leading up to February, Gowdy said EPA officials have failed to produce the security waivers that Pruitt used to justify his purchase of premium tickets at taxpayer expense. EPA officials have said that various threats against Pruitt, including verbal public confrontations, led the head of his security detail to recommend that he fly in the front cabin of planes, both to provide a “buffer” from the public and also so that he could board and exit more quickly.

In addition, Gowdy said in his letter Wednesday that he plans to examine Pruitt’s unusual lease agreement for a condo on Capitol Hill last year with Vicki Hart, a health-care lobbyist. She is married to J. Steven Hart, head of Williams & Jensen, a law firm that lobbies on energy, transportation, trade, tax and other issues. The Harts have known Pruitt for years and previously supported his run for Oklahoma attorney general.

Gowdy noted that a memo last week from a top EPA lawyer “raises questions about whether ethics officials who reviewed the lease had access to all relevant information, and whether all applicable ethics rules were considered when those officials concluded the lease agreement with federal ethics regulations.”

As a result, Gowdy asked the EPA to provide a slew of documents related to Pruitt’s controversial rental, including documents and communications about how the lease agreement came to be and whether the EPA head’s use of the condo was in line with the terms of the lease.

“We will respond to Chairman Gowdy through the proper channel,” EPA spokesman Jahan Wilcox said in a statement Wednesday.

Gowdy’s latest request comes just days after a top government ethics official wrote to EPA lawyers, urging the agency to address any violations linked to Pruitt’s spending habits, his condo lease from a lobbyist and his personnel decisions.

In a letter released Monday, David J. Apol, acting director of the U.S. Office of Government Ethics, took the unusual step of telling EPA officials that several recent ethics questions deserve further scrutiny. “Public trust demands that all employees act in the public interest, and free from any actual or perceived conflicts,” he wrote to Kevin Minoli, the EPA’s principal deputy general counsel and the agency’s top ethics official.

Between the EPA’s inspector general and the Government Accountability Office, Pruitt faces at least five inquiries into his actions. They include audits of his travel practices and the costs of his protective detail, his purchase of a \$43,000 soundproof phone booth last year and his hiring practices under authority granted by the Safe Drinking Water Act Amendment.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/trey-gowdy-epa-has-failed-to-produce-all-documents-on-scott-pruitt-travel>

Trey Gowdy: EPA has failed to produce all documents on Scott Pruitt travel

By Josh Siegel, 4/11/18, 4:28 PM

Rep. Trey Gowdy said Wednesday that the EPA has failed to provide all documents he requested nearly two months ago related to Administrator Scott Pruitt’s frequent use of first-class flights.

The South Carolina Republican and head of the Oversight and Government Reform Committee had sought answers from the EPA on Feb. 20 about how Pruitt has been able to obtain waivers from federal rules to travel first class.

The EPA said it submits a security-related waiver for Pruitt to fly first class before each trip because of “unprecedented” threats he says he has received from travelers. The waiver has to be approved by multiple EPA officials before every trip.

“The EPA has failed to produce all the documents requested,” Gowdy said Wednesday in a new letter to Pruitt. “Those requests include, but are not limited to, any documents referring or relating to ‘specific, ongoing threats associated with the administrator’s air travel,’ which was the stated basis for obtaining first class tickets.”

The EPA has provided the committee some documents, including those showing that Pruitt spent more than \$105,000 in first class travel in his first year.

Gowdy sent his staff to the EPA Tuesday to review records of Pruitt’s first-class travel and security expenses, according to ABC News.

Pruitt is the first EPA administrator to have a 24/7 security detail, prompted by multiple death threats he says he has received. The Associated Press last week reported the EPA has spent about \$3 million on his security, including travel and overtime pay for Pruitt’s detail.

Democratic Sens. Sheldon Whitehouse of Rhode Island and Tom Carper of Delaware said Tuesday that they have seen several internal EPA documents, which they are keeping confidential, that found no specific credible security threats to Pruitt.

Gowdy confirmed in the letter that his committee is also investigating Pruitt for signing a \$50-per-night lease agreement last year to live in the bedroom of a condo owned by the wife of energy lobbyist J. Steven Hart.

Gowdy said the committee is reviewing an April 4 memo written by Kevin Minoli, the top ethics official of the EPA, in which Minoli said he did not have all the facts when he ruled that the condo agreement reflected fair market value and did not violate federal gift rules.

“The April 4, 2018, memorandum raises questions about whether ethics officials who reviewed the lease had access to all relevant information, and whether all applicable ethics rules were considered when those officials concluded the lease agreement complied with federal ethics regulations,” Gowdy said in the letter to Pruitt.

Pruitt, from late February to early August of last year, paid \$50 per night for a single bedroom in a Capitol Hill condo co-owned by Vicki Hart, the wife of energy lobbyist J. Steven Hart, whose firm had business interests before the EPA. Pruitt was charged only for the nights he stayed there.

Minoli said he did not have all the facts when he ruled that the \$50-per-night lease agreement reflected fair market value and did not violate federal gift rules. But he also said he did not consider whether renting from the wife of an energy lobbyist would violate ethics rules.

To obtain more information, Gowdy asks Pruitt to provide him all communications he had with the Harts regarding the lease agreement.

Reuters

<https://www.reuters.com/article/us-usa-epa-house/house-oversight-panel-asks-epa-for-travel-condo-documents-idUSKBN1HI37J>

House oversight panel asks EPA for travel, condo documents

By Timothy Gardner, 4/11/18, 5:12 PM

WASHINGTON (Reuters) - The Republican head of the U.S. House of Representative's oversight committee told Environmental Protection Agency chief Scott Pruitt on Wednesday his agency has not provided requested documents about expensive air travel, including documents related to any threats that had been made on Pruitt.

Representative Trey Gowdy, the oversight committee chairman, said in a letter to Pruitt that the EPA had not produced documents showing whether there was an individual waiver or authorization for purchasing first- or business-class air tickets. A copy of the letter was seen by Reuters.

Gowdy also said in the letter he had not received documents that referred to "specific, ongoing threats associated with the Administrator's air travel," which the agency had said were the basis for obtaining Pruitt's first-class air tickets in a letter to Gowdy from EPA Associate Administrator Troy Lyons, dated March 20. Gowdy said in Wednesday's letter that the EPA had shared some documents, some of which were shared in private, but did not say what they concerned.

Pruitt has been under fire by Democrats and some Republicans for frequent first-class air travel, including a trip to Italy that cost \$43,000, not including security detail.

President Donald Trump has supported Pruitt, but said he would take a look into the allegations.

Gowdy, who had led a high-profile investigation into a 2012 attack on a diplomatic compound in Benghazi, Libya, during former Secretary of State Hillary Clinton's tenure, requested documents on Pruitt's travel on Feb. 20. Before that request, EPA spokesman Jahan Wilcox said that Pruitt had a "blanket waiver" enabling him to fly first class, which Wilcox later amended.

Gowdy also asked Pruitt in the letter to provide documents on a lease for a condo that he rented from Vicki Hart, the wife of a lobbyist who works for companies regulated by the EPA, which has been criticized for the low rate of \$50 per day charged to Pruitt when he stayed there.

The EPA ethics office said this month its recent review of the condo rental cleared Pruitt of accepting a gift from a lobbyist, but it did not address a rule requiring officials to avoid behavior that could result in their impartiality being questioned.

Gowdy asked the EPA to provide all the documents, including communications relating to the lease with Hart and her husband, Steven Hart, by April 25, to help his committee determine whether federal ethics regulations were followed.

"We will respond to Chairman Gowdy through the proper channel," Wilcox said.

Daily Caller

<http://dailycaller.com/2018/04/12/scoop-white-house-gets-pruitts-plan-to-repeal-wotus/>

SCOOP: The White House Just Got Pruitt's Plan To Repeal WOTUS. Here Are The Details

By Michael Bastasch, 4/12/18, 9:47 AM

White House officials are reviewing an updated Environmental Protection Agency (EPA) proposal to repeal the Obama administration's "waters of the United States" that expanded federal control over waters on private property.

EPA officials submitted a supplemental proposal to the Office of Management and Budget (OMB) on Thursday. The proposal clarifies the agency is in fact repealing the Obama-era regulation and addressing some concerns brought up by stakeholders. The proposal also states EPA will be re-codifying the pre-Obama definition of WOTUS, The Daily Caller News Foundation has learned.

The Obama administration finalized the Clean Water Rule in 2015 that expanded the definition of “waters of the United States” (WOTUS), arguing the rule was needed to clear up uncertainties in the wake of two U.S. Supreme Court decisions.

More than half of U.S. states sued EPA to have the rule overturned. The courts quickly issued regulatory stays on the Clean Water Rule, meaning it never really went into effect. Manufacturers, energy companies, farmers, ranchers and land developers said the Obama-era rule would only make it harder to do business and manage land.

President Donald Trump signed an executive order last year, asking EPA and the U.S. Army Corps of Engineers to replace the Obama-era WOTUS rule with one consistent with former U.S. Supreme Court Justice Antonin Scalia’s plurality opinion in the 2006 *Rapanos v. United States* case.

EPA began the WOTUS repeal process in June and published a plan for WOTUS repeal in the Federal Register the following month. EPA’s new submission clarifies some concerns stakeholders expressed last summer, but the details aren’t clear because it’s still under review.

“From day one, EPA and the Department of the Army have been committed to providing certainty and clarity to our state and tribal co-regulators and farmers, ranchers and other stakeholders across the country,” an EPA spokeswoman told TheDCNF.

“After reviewing this input, EPA and the Army have decided to issue a supplemental proposal to provide the public with additional clarity on the scope of the agencies’ efforts,” the spokeswoman said.

The move comes after environmentalists published a memo related to Clean Water Act enforcement. The memo, obtained by Public Employees for Environmental Responsibility (PEER), detailed how Pruitt would reserve the final say on jurisdiction under the Clean Water Act that was formerly delegated to regional officers.

PEER lambasted Pruitt’s “restore regulatory certainty” as a “crude Clean Water Act coup d’état.”

“This action subjects safeguards for clean water across the U.S. to filtration through one politician’s hands,” PEER’s New England Director Kyla Bennett said in a statement. “Every corporation that wants a pass on Clean Water Act compliance is invited to privately meet with the most user friendly EPA Administrator in history.”

However, Pacific Legal Foundation attorney Jonathan Wood said the memo could “promote both consistency in application and more accountability.” PLF has challenged WOTUS in federal court.

“As it stands now, it makes a huge difference which regional office reviews your case — and often which bureaucrat within the office you happen to draw,” Wood told TheDCNF. “Centralizing final decision making should lead to more consistent decision-making.”

“There’s also an important accountability issue here,” Wood said. “Clean Water Act decisions require a mix of science and policy judgment.”

“As the person appointed by the President and confirmed by the Senate to make those judgments, Pruitt can be forced to answer for the exercise of that policy-making power,” Wood said. “When these decisions are made by anonymous regional bureaucrats, it is exponentially harder to hold anyone accountable.”

EPA to clarify its WOTUS repeal

By Annie Snider, 4/12/18

EPA is seeking to clarify its repeal of the Obama administration's Waters of the U.S. rule, after its initial proposal prompted confusion.

The agency yesterday sent a supplemental proposal to the White House for interagency review. EPA said in a statement that the move is meant to provide additional clarity on the scope of the repeal rule.

The Trump administration said last summer that its goal is to codify the legal "status quo" that existed before the 2015 WOTUS rule was finalized. But several organizations and state regulators said it was unclear what that means, given that the last formal rule from the agency on the issue was finalized in 1986, before two muddled Supreme Court decisions.

"After reviewing this input, EPA and the Army have decided to issue a supplemental proposal to provide the public with additional clarity on the scope of the agencies' efforts," a spokeswoman said. The agency will take additional public comments on the proposal.

The Trump administration is in the midst of a multi-step effort to repeal and replace the water rule, which defines which streams and wetlands are regulated under the Clean Water Act. In February the agency added a "applicability date" to the Obama era rule in a bid to keep it from going into effect after a court stay was lifted. The step at issue today is the formal repeal of the Obama rule. The agency is also preparing to propose a rewrite of the rule that would codify narrower federal jurisdiction.

WHAT'S NEXT: The White House will review the supplemental proposal., 10:20 AM

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060078783/search?keyword=EPA>

Pruitt addresses friendly crowd at Heritage

By Zack Colman, 4/11/18

EPA Administrator Scott Pruitt met today with conservative supporters at the Heritage Foundation for what one attendee described as a climate "deniers' convention."

Details of Pruitt's message aren't clear, but people who attended the meeting said he talked about a variety of policy objectives. He also thanked participants for supporting him during a period of turbulence stemming from his ethical missteps.

The meeting came as talk swirls about Pruitt being replaced by the White House following a series of revelations about his use of a condo owned by the wife of a lobbyist, expensive travel habits and favoritism toward Oklahoma aides.

Those spotted entering and exiting the Heritage Foundation: Myron Ebell of the Competitive Enterprise Institute; Patrick Michaels of the Cato Institute; Kenny Stein of the Institute for Energy Research; and Steve Milloy, a former EPA transition member under President Trump.

The event was convened by Jack Spencer, vice president of the Institute for Economic Freedom at Heritage.

The gathering precedes a likely Senate vote this week on the confirmation of Andrew Wheeler, whom Trump tapped as Pruitt's deputy at EPA.

The president has broad authority in naming an acting administrator if Pruitt departs, and Wheeler is considered a likely candidate if he's confirmed as the agency's No. 2 official.

Washington Examiner

<https://www.washingtonexaminer.com/news/trump-to-direct-epa-to-speed-up-regulation-repeal-to-spur-economic-growth>

Trump to direct EPA to speed up regulation repeal to spur economic growth

By Gabby Morrongiello, 4/12/18, 2:20 PM

President Trump will sign a memorandum on Thursday to accelerate the repeal of environmental regulations as part of his effort to boost economic growth.

Trump told supporters during an event in the Rose Garden Thursday that he plans to direct Environmental Protection Agency chief Scott Pruitt "to cut even more red tape" that impacts American manufacturers "so that they can expand and continue to hire and to grow."

The memorandum comes as Pruitt faces mounting questions about his leadership at the EPA and potential abuse of taxpayer dollars. Trump affirmed Pruitt's job security in a tweet earlier this week, commending the "great job" he has done at the Cabinet-level agency and decrying the negative news coverage he's received.

Trump on Thursday said his administration has continued to "drain the swamp," despite reports surrounding Pruitt and other Cabinet secretaries in recent months.

"Every time you see me hit, you know that I'm draining the swamp," he told the crowd Thursday.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=131585915&item=408&prod=deln&cat=AGENCY

EPA Improving Chemical Assessments, Science Reviewers Say

By Sylvia Carignan, 4/12/18

The EPA's program to assess toxic chemicals is becoming more transparent and efficient despite a shrinking staff, an independent scientific board said April 11.

The National Academy of Sciences report came as the American Chemistry Council disputed adding a contaminated site to the EPA National Priorities List based on a program assessment. The council represents companies such as Occidental Chemical Corp., Velsicol Chemical LLC and Monsanto Co.

The Environmental Protection Agency's chemical toxicity assessment program has come under fire from House Republicans and the chemical industry for a lack of transparency in its assessment process. The science academy reported, though, that the program is making strides toward greater transparency and accelerating the assessment process.

The EPA's National Center for Environmental Assessment runs the chemical toxicity assessment program, called the Integrated Risk Information System (IRIS). The program is "dramatically more systematic, transparent, and scientifically defensible" than it was in a 2010 National Academies review, the April 11 report stated.

Program Changes

The EPA is making changes in the program by telling the public how it will assess chemicals and by incorporating the most recent scientific research into its decisions. House Republicans said last year the assessments take too long and that the EPA's reasoning for using particular data is unclear.

The assessments can influence EPA's decisions, standards, and regulations in multiple areas, from air, water, and chemicals to contaminated sites and waste.

The chemical toxicity assessment program analyzes the harms that chemicals could cause to human health and the doses at which those harms could manifest. The results of the program's assessments are used in setting exposure limits, cleanup targets, and other health protections by a range of groups, including the military, states, and international bodies.

The center had 37 full-time staff members working specifically on IRIS in 2007, according to the [Government Accountability Office](#), but in February had about 30, the center's director, Tina Bahadori, said then.

EPA Staff Challenged

The National Priorities List contains the most contaminated sites in the country, also known as Superfund sites. The EPA is proposing adding a property in Grenada, Miss., to the list because of the concentrations of trichloroethylene found there.

The EPA's chemical toxicity assessment of the carcinogenic substance "is not based on the best available science," the council argued in [comments](#) posted online April 11, and should not be used to support the site's addition to the list.

The agency has yet to decide whether the site should be on the National Priorities List.

The challenge for EPA staff is to find an efficient process that fully considers complex scientific concepts and doesn't resort to simplistic decisions, Lorenz Rhomberg, principal at Gradient Corp., an environmental consulting firm, told Bloomberg Environment.

At the same time, the agency doesn't want to open its decisions to endless debate, he said in an email.

This year's National Academies' review is the third such evaluation of the program's progress and reforms during the past decade. The National Academies reviewed IRIS assessments in [2011](#) and [2014](#).

AP

<https://apnews.com/e247850bee5b416b8bb86906fc9780ba/Mine-company-says-EPA-is-worsening-Colorado-water-pollution>

Mine company says EPA is worsening Colorado water pollution

By Dan Elliott, 4/12/18

DENVER (AP) — A mining company accused the U.S. Environmental Protection Agency on Wednesday of failing to operate a treatment plant at full capacity, allowing a huge volume of polluted mine wastewater to reach a southwestern Colorado river.

The allegation was made by Sunnyside Gold Corp., which is fighting the EPA over who should pay for a potentially costly study to help devise a cleanup plan for a Superfund district in the area.

The EPA didn't immediately respond to an email seeking comment.

The Superfund district includes the inactive Gold King Mine, where the EPA inadvertently triggered the release of 3 million gallons (11.3 million liters) of water tainted with heavy metals while doing excavation work at the mine in 2015. A yellow-orange plume of pollution clouded rivers in Colorado, New Mexico and Utah and on Native American lands.

Sunnyside owns a different mine — also inactive — in the Superfund district, and the EPA has said previous work at that mine may have redirected polluted water to other mines, where it escaped and eventually reached the Animas River.

Sunnyside says the cleanup work it performed at its mine has helped the Animas. The company argues it is not liable for continuing water problems because it has complied with state and court orders.

In documents submitted to the EPA Wednesday, Sunnyside said the agency is making water problems worse by not operating the treatment plant at full capacity. The plant treats wastewater that continues to pour out of the Gold King and other mines.

Sunnyside said that since October 2015, more than 350 million gallons (1.3 billion liters) — 150 times the volume of the Gold King spill — have flowed around the treatment plant into a tributary of the Animas.

“It would be especially unjust” for EPA to order Sunnyside to pay for the water study while the agency is allegedly allowing polluted water to reach waterways by not running the treatment plant at a higher rate, Sunnyside’s documents said.

The company wants the EPA to withdraw its order for Sunnyside to pay for the water study. The company said it would comply with the order if the EPA leaves it in place, but it would sue the federal government to recoup its expenses.

The legal battle is one of several facing the EPA over the Gold King spill. Utah, New Mexico, the Navajo Nation and a group of New Mexico residents have sued the agency. Separately, hundreds of business owners, property owners and others are seeking millions of dollars in economic losses because the spill put rivers temporarily off-limits for a range of uses from drinking water to rafting.